

117TH CONGRESS  
1ST SESSION

# S. 938

To require the President to declare a national emergency relating to climate change under the National Emergencies Act, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MARCH 23, 2021

Mr. SANDERS introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To require the President to declare a national emergency relating to climate change under the National Emergencies Act, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-  
2 tives of the United States of America in Congress assembled,*

**3 SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “National Climate  
5 Emergency Act of 2021” or the “Climate Emergency Act  
6 of 2021”.

**7 SEC. 2. FINDINGS.**

8       Congress finds that—

9                   (1) 2010 to 2019 was the hottest decade on  
10 record;

1                         (2) global atmospheric concentrations of the  
2 primary global warming pollutant, carbon dioxide—

3                             (A) have increased by 40 percent since  
4 preindustrial times, from 280 parts per million  
5 to 415 parts per million, primarily due to  
6 human activities, including burning fossil fuels  
7 and deforestation;

8                             (B) are rising at a rate of 2 to 3 parts per  
9 million annually; and

10                          (C) must be reduced to not more than 350  
11 parts per million, and likely lower, “if humanity  
12 wishes to preserve a planet similar to that on  
13 which civilization developed and to which life on  
14 Earth is adapted,” according to former Na-  
15 tional Aeronautics and Space Administration  
16 climatologist, Dr. James Hansen;

17                          (3) global atmospheric concentrations of other  
18 greenhouse gases, including methane, nitrous oxide,  
19 and hydrofluorocarbons, have also increased sub-  
20 stantly since preindustrial times, primarily due to  
21 human activities, including burning fossil fuels;

22                          (4) climate science and observations of climate  
23 change impacts, including ocean warming and acidifi-  
24 cation, floods, droughts, wildfires, and extreme  
25 weather, demonstrate that a global rise in tempera-

1       tures of 1.5 degrees Celsius above preindustrial lev-  
2       els is already having dangerous impacts on human  
3       populations and the environment;

4                 (5) the 2018 National Climate Assessment  
5       found that climate change due to global warming  
6       has caused, and is expected to cause additional, sub-  
7       stantial interference with and growing losses to  
8       human health and safety, infrastructure, property,  
9       industry, recreation, natural resources, agricultural  
10      systems, and quality of life in the United States;

11                (6) the National Oceanic and Atmospheric Ad-  
12       ministration has determined that climate change is  
13       already increasing the frequency of extreme weather  
14       and other climate-related disasters, including  
15       drought, wildfire, and storms that include precipita-  
16       tion;

17                (7) climate-related natural disasters have in-  
18       creased exponentially over the past decade, costing  
19       the United States more than double the long-term  
20       average during the period of 2014 through 2018,  
21       with total costs of natural disasters during that pe-  
22       riod of approximately \$100,000,000,000 per year;

23                (8) the Centers for Disease Control and Preven-  
24       tion have found wide-ranging, acute, and fatal public

1       health consequences from climate change that im-  
2       pact communities across the United States;

3                     (9) the National Climate and Health Assess-  
4       ment of the United States Global Change Research  
5       Program identified climate change as a significant  
6       threat to the health of the people of the United  
7       States, leading to increased—

8                     (A) temperature-related deaths and ill-  
9       nesses;

10                    (B) air quality impacts;

11                    (C) extreme weather events;

12                    (D) numbers of vector-borne diseases;

13                    (E) waterborne illnesses;

14                    (F) food safety, nutrition, and distribution  
15       complications; and

16                    (G) mental health and well-being concerns;

17                    (10) the consequences of climate change already  
18       disproportionately impact frontline communities and  
19       endanger populations made especially vulnerable by  
20       existing exposure to extreme weather events, includ-  
21       ing children, the elderly, and individuals with pre-ex-  
22       isting disabilities and health conditions;

23                    (11) individuals and families on the frontlines  
24       of climate change across the United States, includ-  
25       ing territories, living with income inequality and pov-

1       erty, institutional racism, inequity on the basis of  
2       gender and sexual orientation, poor infrastructure,  
3       and lack of access to health care, housing, clean  
4       water, and food security are often in close proximity  
5       to environmental stressors or sources of pollution,  
6       particularly communities of color, indigenous com-  
7       munities, and low-income communities, which—

8                     (A) are often the first exposed to the im-  
9                     pacts of climate change;

10                  (B) experience outsized risk because of the  
11                  close proximity of the community to environ-  
12                  mental hazards and stressors, in addition to  
13                  collocation with waste and other sources of pol-  
14                  lution; and

15                  (C) have the fewest resources to mitigate  
16                  those impacts or to relocate, which will exacer-  
17                  bate preexisting challenges;

18                  (12) according to Dr. Robert Bullard and Dr.  
19                  Beverly Wright, “environmental and public health  
20                  threats from natural and human-made disasters are  
21                  not randomly distributed, affecting some commu-  
22                  nities more than others”, therefore a response to the  
23                  climate emergency necessitates the adoption of just  
24                  community transition policies and processes available  
25                  to all communities, which include policies and proc-

1       esses rooted in principles, as described in the 17  
2       Principles of Environmental Justice written and  
3       adopted at the First National People of Color Envi-  
4       ronmental Leadership Summit held on October 24  
5       through 27, 1991, in Washington, DC, of racial and  
6       socio-economic equity, self-determination, and de-  
7       mocracy, as well as the fundamental human right of  
8       all people to clean air and water, healthy food,  
9       health care, adequate land, education, and shelter;

10                 (13) climate change holds grave and immediate  
11       consequences not just for the population of the  
12       United States, including territories, but for commu-  
13       nities across the world, particularly those commu-  
14       nities in the Global South on the frontlines of the  
15       climate crisis, which are at risk of forced displace-  
16       ment;

17                 (14) communities in rural, urban, and suburban  
18       areas are all dramatically affected by climate  
19       change, though the specific economic, health, social,  
20       and environmental impacts may be different;

21                 (15) the United States Department of State,  
22       Department of Defense, and intelligence community  
23       have identified climate change as a threat to na-  
24       tional security, and the Department of Homeland

1 Security views climate change as a top homeland se-  
2 curity risk;

3 (16) climate change is a threat multiplier with  
4 the potential—

5 (A) to exacerbate many of the challenges  
6 the United States already confronts, including  
7 conflicts over scarce resources, conditions con-  
8 ducive to violent extremism, and the spread of  
9 infectious diseases; and

10 (B) to produce new, unforeseeable chal-  
11 lenges in the future;

12 (17) in 2018, the United Nations Intergovern-  
13 mental Panel on Climate Change projected that the  
14 Earth could warm 1.5 degrees Celsius above  
15 preindustrial levels as early as 2030;

16 (18) the climatic changes resulting from global  
17 warming above 1.5 degrees Celsius above  
18 preindustrial levels, including changes resulting from  
19 global warming of more than 2 degrees Celsius  
20 above preindustrial levels, are projected to result in  
21 irreversible, catastrophic changes to public health,  
22 livelihoods, quality of life, food security, water sup-  
23 plies, human security, and economic growth;

24 (19) in 2019, the United Nations Intergovern-  
25 mental Science-Policy Platform on Biodiversity and

1       Ecosystem Services found that human-induced cli-  
2       mate change is pushing the planet toward the sixth  
3       mass species extinction, which threatens the food se-  
4       curity, water supply, and well-being of billions of  
5       people;

6                 (20) according to climate scientists, limiting  
7       warming to no more than 1.5 degrees Celsius above  
8       preindustrial levels, and likely lower, is most likely  
9       to avoid irreversible and catastrophic climate change;

10                (21) even with global warming up to 1.5 de-  
11       grees Celsius above preindustrial levels, the planet is  
12       projected to experience—

13                         (A) a significant rise in sea levels;  
14                         (B) extraordinary loss of biodiversity; and  
15                         (C) intensifying droughts, floods, wildfires,  
16       and other extreme weather events;

17                 (22) according to climate scientists, addressing  
18       the climate emergency will require an economically  
19       just phase-out of the use of oil, gas, and coal in  
20       order to keep carbon, which is the primary con-  
21       stituent of fossil fuels, in the ground and out of the  
22       atmosphere;

23                 (23) the United Nations Intergovernmental  
24       Panel on Climate Change has determined that lim-  
25       iting warming through emissions reduction and car-

1       bon sequestration will require rapid, and immediate,  
2       acceleration and proliferation of “far-reaching,  
3       multilevel, and cross-sectoral climate mitigation”  
4       and “transitions in energy, land, urban and rural in-  
5       frastructure (including transport and buildings), and  
6       industrial systems”;

7                     (24) in the United States, massive, comprehen-  
8       sive, and urgent governmental action is required im-  
9       mediately to achieve the transitions of those systems  
10      in response to the severe existing and projected eco-  
11      nomic, social, public health, and national security  
12      threats posed by the climate crisis;

13                     (25) the massive scope and scale of action nec-  
14       essary to stabilize the climate will require unprece-  
15       dented levels of public awareness, engagement, and  
16       deliberation to develop and implement effective, just,  
17       and equitable policies to address the climate crisis;

18                     (26) the Constitution of the United States pro-  
19       tects the fundamental right to life, liberty, property,  
20       and equal protection of the laws;

21                     (27) a climate system capable of sustaining  
22       human life is fundamental to a free and ordered so-  
23       ciety, and is preservative of fundamental rights, in-  
24       cluding the right to life, liberty, property, personal  
25       security, family autonomy, bodily integrity, and the

1       ability to learn, practice, and transmit cultural and  
2       religious traditions;

3                 (28) the United States has a proud history of  
4       collaborative, constructive, massive-scale Federal  
5       mobilizations of resources and labor in order to solve  
6       great challenges, including the Interstate Highway  
7       System, the Apollo 11 Moon landing, Reconstruction,  
8       the New Deal, and World War II;

9                 (29) the United States stands uniquely poised  
10      to substantially grow the economy and attain social  
11      and health benefits from a massive mobilization of  
12      resources and labor that far outweigh the costs of  
13      inaction;

14                 (30) millions of middle class jobs can be created  
15      by raising labor standards through project labor  
16      agreements and protecting and expanding the right  
17      of workers to organize so that workers in the United  
18      States and the communities of those workers are  
19      guaranteed a strong, viable economic future in a  
20      zero-emissions economy that guarantees good jobs at  
21      fair union wages with quality benefits;

22                 (31) frontline communities, Tribal governments  
23      and communities, people of color, and labor unions  
24      must be equitably and actively engaged in the climate  
25      mobilization, in a way that aligns with the

1        Jemez Principles for Democratic Organizing written  
2        and adopted at the Working Group Meeting for  
3        Globalization and Trade held on December 6  
4        through 8, 1996, in Jemez, Mexico, and prioritized  
5        through local climate mitigation and adaptation  
6        planning, policy, and program delivery so that work-  
7        ers in the United States, the communities of those  
8        workers, are guaranteed a strong, viable economic  
9        future;

10                    (32) a number of local jurisdictions and govern-  
11        ments in the United States, including New York  
12        City and Los Angeles, and across the world, includ-  
13        ing the United Kingdom, the Republic of Ireland,  
14        Portugal, and Canada, have already declared a cli-  
15        mate emergency, and a number of State and local  
16        governments are considering declaring a climate  
17        emergency;

18                    (33) State, local, and Tribal governments must  
19        be supported in efforts to hold to account those ac-  
20        tors whose activities have deepened and accelerated  
21        the climate crisis and who have benefitted from de-  
22        layed action to address the climate change emer-  
23        gency and to develop a fossil fuel-free economy;

24                    (34) a collaborative response to the climate cri-  
25        sis will require the Federal Government to work with

1 international, State, and local governments, includ-  
2 ing with those governments that have declared a cli-  
3 mate emergency, to reverse the impacts of the cli-  
4 mate crisis; and

5 (35) the United States has an obligation, as a  
6 primary driver of accelerated climate change, to mo-  
7 bilize at emergency speed to restore a safe climate  
8 and environment not just for communities of the  
9 United States, including territories, but for commu-  
10 nities across the world, particularly those on the  
11 frontlines of the climate crisis who have least con-  
12 tributed to the crisis, and to account for global and  
13 community impacts of any actions it takes in re-  
14 sponse to the climate crisis.

15 **SEC. 3. EMERGENCY DECLARATION.**

16 (a) IN GENERAL.—The President shall declare a na-  
17 tional emergency under section 201 of the National Emer-  
18 gencies Act (50 U.S.C. 1621) relating to climate change.

19 (b) RESPONSE.—In response to the national emer-  
20 gency declared under subsection (a), the President shall  
21 ensure that the Federal Government—

22 (1) invests in large-scale mitigation and resil-  
23 iency projects, including projects that—

24 (A) upgrade public infrastructure to ex-  
25 pand access to clean and affordable energy,

1           transportation, high-speed broadband, and  
2           water infrastructure, with a particular focus on  
3           public systems;

4                 (B) modernize and retrofit millions of  
5                 homes, schools, offices, and industrial buildings  
6                 to reduce pollution and energy costs;

7                 (C) invest in public health in preparation  
8                 for, and in response to, increasingly extreme cli-  
9                 mactic events;

10                 (D) protect and restore wetlands, forests,  
11                 public land, and other natural climate solutions;

12                 (E) create opportunities for farmers and  
13                 rural communities, including by bolstering re-  
14                 generative agriculture and investing in local and  
15                 regional food systems that support farmers, ag-  
16                 ricultural workers, healthy soil, and climate re-  
17                 silience;

18                 (F) develop and transform the industrial  
19                 base of the United States while creating high-  
20                 skill and high-wage manufacturing jobs, includ-  
21                 ing by—

22                         (i) expanding the manufacturing of  
23                         clean energy technologies;

24                         (ii) reducing industrial pollution; and

(iii) prioritizing clean, domestic manufacturing for the projects described in clauses (i) and (ii); and

4 (G) establish new employment programs,  
5 as necessary, to meet the goals of the projects  
6 described in subparagraphs (A) through (F);

(2) with respect to the investments made for projects described in paragraph (1), enables—

(A) a racially and socially just transition to a clean energy economy by ensuring that at least 40 percent of investments made under this subsection are to historically disadvantaged communities;

14 (B) the reduction of greenhouse gas emis-  
15 sions;

16 (C) resilience in the face of climate change  
17 impacts;

21 (E) the expansion of public services:

22                   (3) avoids projects, as described in paragraph  
23                   (1), that—

24 (A) increase inequality;

(B) exacerbate, or fail to reduce, pollution  
at the source;

3 (C) violate human rights;

(D) privatize public land, public water, or natural resources;

6 (E) expedite the destruction of ecosystems;

7 or

8 (F) decrease union density or membership;

12 (A) provide family-sustaining wages and  
13 benefits;

14 (B) ensure a safe workplace;

15 (C) protect the rights of workers to orga-  
16 nize; and

(D) prioritize the hiring of local workers to ensure wages stay within communities and stimulate local economic activity;

20 (5) prioritizes local and equitable hiring and  
21 contracting for the projects described in paragraph  
22 (1) that create opportunities for—

23 (A) communities of color and indigenous  
24 communities;

25 (B) women:

(C) veterans;

(D) individuals in the LGBTQIA+ community;

(E) individuals who are disabled or chronically ill;

(F) individuals who were formerly incarcerated; and

(G) other marginalized individuals and communities;

(6) through the projects described in paragraph (1), combats environmental injustice, including by—

12 (A) curtailing air, water, and land pollu-  
13 tion from all sources;

14 (B) removing health hazards from  
15 marginalized communities;

(C) remediating the cumulative health and environmental impacts of toxic pollution and climate change;

19 (D) ensuring that affected communities  
20 have equitable access to public health resources  
21 that have been systemically denied to commu-  
22 nities of color and indigenous communities; and

23 (E) upholding the fundamental rights of  
24 all people in the United States to be free from  
25 the perils of climate change; and

(7) reinvests in existing, and creates new, public sector institutions, inspired by and improving on New Deal-era public sector institutions by addressing historic inequities, to strategically and coherently mobilize and channel investment at the scale and pace required by the national emergency declared under subsection (a).

8       (c) REPORT.—Not later than 1 year after the date  
9 of enactment of this Act, and annually thereafter, the  
10 President shall submit to Congress a report describing ac-  
11 tions taken in response to the national emergency declared  
12 under subsection (a).

